

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 04-12126 EFF
2005 OCT -6 P 3:01

FILED
IN CLERKS OFFICE
U.S. DISTRICT COURT
DISTRICT OF MASS.

WILLIAM FOLEY,
Plaintiff,

v.

ALCATEL USA, INC.,
Defendant,

**PLAINTIFF'S SECOND MOTION FOR EXTENSION OF TIME TO FILE
OPPOSITIONS TO DEFENDANT'S CROSS MOTION FOR A PROTECTIVE
ORDER AND MOTION FOR SUMMARY JUDGMENT**

Now comes the Plaintiff, William Foley, and respectfully requests that the Court allow him to and including November 4, 2005, to file his opposition to the Defendant's Cross Motion for a Protective Order and an Opposition to the Defendant's Motion for Summary Judgment. As grounds for his requested extension, the Plaintiff states that:

1. Subsequent to the filing of the Defendant's Cross Motion for a Protective Order and Motion for Summary Judgment, and Plaintiff's initial Motion for Extension to oppose same, the parties have undertaken efforts to engage in settlement discussions. In this regard, the parties are hopeful that during the interim period of time prior to November 4, 2005 that the matter will be resolved.

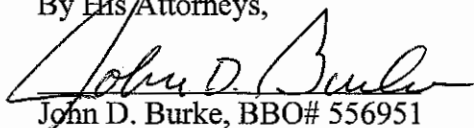
2. Due to the present schedules of Counsel for the Plaintiff, John D. Burke, and Gabriel O. Dumont, Jr., the Plaintiff requests that the additional time be granted in order to adequately discuss settlement options. Counsel for the Plaintiff John D. Burke will be on trial in the Barnstable Superior Court beginning on October 19, 2005 with an expected

end date of October 26, 2005. Gabriel O. Dumont, Jr., will be out of the Commonwealth from October 20, 2005 to October 28, 2005.

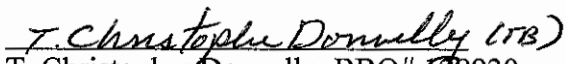
2. As a result, the Plaintiff requests the additional time to engage in settlement discussions and/or prepare his opposition to the two (2) outstanding motions should settlement discussions prove unsuccessful.

3. The Defendant, by its attorney, T. Christopher Donnelly, has assented to this motion.

For the Plaintiff,
WILLIAM FOLEY,
By His Attorneys,


John D. Burke, BBO# 556951
Gabriel O. Dumont, Jr., BBO# 137820
Dumont, Morris And Burke, PC
14 Beacon Street
Suite 300
Boston, Massachusetts 02108
(617) 227-7272

For the Defendant,
ALCATEL USA, INC.
By Its Attorneys,

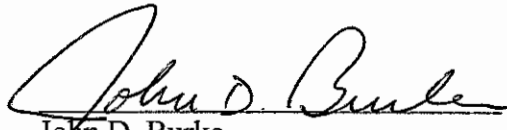

T. Christopher Donnelly, BBO# 029930
Donnelly, Conroy & Gelhaar, LLP
One Beacon Street
Boston, Massachusetts 02108
(617) 720-2880

Sharan Leslie Goolsby
Counsel to Alcatel USA, Inc.

CERTIFICATE OF SERVICE

I, John D. Burke, hereby certify that I served this document upon counsel for the Defendant, T. Christopher Donnelly, Esq., and Sharan Goolsby, Esq., by U.S. Mail, postage prepaid, on this 6th day of October, 2005.

Signed under oath.


John D. Burke